

MELINDA HAAG (CABN 132612)
 United States Attorney

MIRANDA KANE (CABN 150630)
 Chief, Criminal Division

ANDREW S. HUANG (CABN 193730)
 Assistant United States Attorney
 1301 Clay Street, Suite 340S
 Oakland, CA 94612
 Telephone: (510) 637-3680
 Fax: (510) 637-3724
 E-Mail: andrew.huang@usdoj.gov

FILED
 NOV - 2 2011
 RICHARD W. WIEKING
 CLERK U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 11-71127 MAG (LB)
)	
Plaintiff,)	STIPULATION OF THE RE WAIVER OF
)	TIME FOR PRELIMINARY HEARING
v.)	DATE AND EXCLUDING TIME UNDER
)	THE SPEEDY TRIAL ACT AND
HELEN JEAN SINGH SINGH,)	PROPOSED ORDER
)	
Defendant.)	

The parties appeared before the Court on November 2, 2011 for a hearing concerning detention and conditions of release. The defendant hereby waives time for a preliminary hearing under Federal Rule of Criminal Procedure 5.1(c) and the parties hereby stipulate and move the Court for an Order excluding time under the Speedy Trial Act through the next hearing date, Dec 2, 2011.

Counsel for the defendant believes that postponing the preliminary hearing is in his client's best interest and that it is not in his client's best interest for the United States to present an indictment before the otherwise required preliminary hearing date. The parties agree that – taking into account the public interest in prompt disposition of criminal cases – good cause exists for this extension. For defendants who are in custody, Federal Rule of Criminal Procedure 5.1(c)



STIP. RE PRELIMINARY HRG & SPEEDY TRIAL ACT
 No. 11-71127 MAG (LB)

permits the Court to hold a preliminary hearing no later than 14 days after the defendant's initial appearance. For defendants who are not in custody, Federal Rule of Criminal Procedure 5.1(c) permits the Court to hold a preliminary hearing no later than 21 days after the defendant's initial appearance. The defendant agrees to waive the time for preliminary hearing under Rule 5.1(c).

The Speedy Trial Act requires that an information or indictment be filed within 30 days of a defendant's arrest. 18 U.S.C. § 3161(b). In this case, the defendant also agrees to toll and to waive, for purposes of the Speedy Trial Act, the period from this date to the next hearing date, Dec 2, 2011. The parties agree and stipulate that the delay resulting from this continuance serves the ends of justice and that such action outweighs the best interest of the public and the defendant in a speedy trial. Specifically, defense counsel, who assumed representation of the defendant in this case on October 6, 2011, is investigating and obtaining information about this case. The government is providing some pre-indictment discovery. The parties therefore stipulate that an exclusion of time under the Speedy Trial Act for continuity of counsel and effective preparation of counsel is warranted pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

SO STIPULATED.

DATED: November 2, 2011


HELEN JEAN SINGH

EDWIN PRATHER, Esq.
Counsel for Helen Jean Singh

MELINDA HAAG
United States Attorney


ANDREW S. HUANG
Assistant United States Attorney

[PROPOSED] ORDER

The Court finds, based on the record and the Stipulation above, that the delay resulting from the continuance of this matter to December 2, 2011 serves the ends of justice and that such action outweighs the best interest of the public and the defendant in a speedy trial. Specifically, the Court finds that denying such a continuance would deny the defendant continuity of counsel and deny defense counsel reasonable time for effective preparation, taking into account the exercise of due diligence. Therefore, IT IS HEREBY ORDERED that the period of time between the date of this Order and December 2, 2011 be excluded for Speedy Trial Act purposes.

DATED: 11/2/11

Hon. LAUREL BEELER
United States Magistrate Judge